

Remarks

Claims 1 to 24 remain in the application. Claims 1 to 24 are rejected. Claims 1 and 17 have been amended.

Claim Rejections – 35 USC § 102

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Langford et al. (U.S. Patent Number 6,470,450).

Applicant has amended claim 1 at step a) and at step b). The proposed amendment to step a) is intended to clarify the expression “received trusted hash value.” In particular, the “received trusted hash value” is a value that is expected when a predetermined hashing process is applied to “predetermined data stored in memory within the computer system for a trusted state of executable programs in execution within the computer system if an unauthorized executable program is other than resident in the computer system.” Accordingly, the trusted state of executable programs (note the plural form of the term “programs”) in execution within the computer system is a state that occurs when **only** authorized programs are in execution. When in a trusted state, the number of authorized programs that are in execution is immaterial, but **every** program that is in execution must be authorized. Since the predetermined data relates to all of the executable programs that are in execution at a given time, then every time the computer system is in a same trusted state (same authorized programs are in execution) the predetermined data is similar and the predetermined hashing process is expected to return a substantially same value, at least to within known limits. Accordingly, the “received trusted hash value” is a value that is indicative of the computer system having **only** authorized programs in execution thereon.

The amendment to step b) is intended to more clearly define that “the data stored in memory within the computer system” is hashed “using the predetermined hashing process

to determine a computed hash value for a current state of executable programs in execution within the computer system.” Accordingly, a computed hash value is determined for a current state of executable programs, which includes all executable programs in execution within the computer system.

Applicant respectfully submits that Langford does not teach each and every feature of the instant invention in as complete detail as is recited at amended claim 1. Langford does not teach determining a computed hash value for a current state of executable **programs** in execution within the computer system as is recited at step b). Rather, Langford teaches determining a hash value of **a requesting application**, or other executable file data, relating to **the requesting application**. The amendment to step b) is believed to distinguish claim 1 over the teachings of Langford in that the computed hash value relates to the executable **programs** (plural form) in execution within the computer system and not merely **a requesting application**. Furthermore, Langford merely teaches checking whether a computed hash value of the executable file data matches the corresponding stored unique application verification data. There is no teaching of receiving a trusted hash value relating to predetermined data stored in memory within the computer system **for a trusted state of executable programs** in execution within the computer system if an unauthorized executable program is other than resident in the computer system. The amendment to step a) is believed to further distinguish claim 1 over the teachings of Langford in that the received trusted hash value relates to the executable programs (plural) in execution for a trusted state, whereas Langford teaches stored unique application verification data relating to a requesting application (e.g. a single application that is actually making a request for security data).

Accordingly, Applicant respectfully submits that amended claim 1 is in proper condition for allowance. Favourable consideration is kindly requested.

Claims 2 through 16 depend either directly or indirectly from believed allowable amended claim 1 and are also believed to be in proper condition for allowance. Favourable consideration is kindly requested.

Applicant has amended claim 17 to recite “wherein the predetermined data relates to programs in execution on the processor of the computer system when the computer system is in a known secure state.” Langford merely teaches hashing executable file data relating to **a requesting program**, not hashing predetermined data relating to **programs** (plural form of the tem “programs” is used) in execution on the processor of the computer system **when the computer system is in a known secure state**. In particular, Langford teaches hashing data relating only to **a single program on a per application basis**. This hashing appears to be done by a trusted authority, and therefore may not relate to a known secure state of the computer system. In any event, the hashed executable file data relating to a requesting program is indicative *only* of an authenticity of the requesting program, and is not indicative of a trusted state of the computer system as a whole. Accordingly, the method disclosed by Langford is suitable only for detecting a presence of an unauthorized requesting program, and is not suitable for detecting a presence of unauthorized programs interposed between a security application and an authorized requesting program. The proposed amendment is believed to distinguish claim 17 over Langford in that according to claim 17, the predetermined data that is hashed is data relating to programs that are in execution on the processor of the computer system specifically when the computer system is in a known secure state, and not merely to an application on a per application basis when the computer system is in an unknown state.

Accordingly, Applicant respectfully submits that amended claim 17 is in proper condition for allowance. Favourable consideration is kindly requested.

Claims 18 through 24 depend either directly or indirectly from believed allowable amended claim 17 and are also believed to be in proper condition for allowance. Favourable consideration is kindly requested.

Applicant requests favourable reconsideration of the amended application. No new matter has been added.

**Please charge any additional fees required or credit any overpayment to
Deposit Account No. 50-1142.**

Respectfully,

A handwritten signature in black ink, appearing to read 'G Fre', with a long horizontal stroke extending to the right.

Gordon Freedman, Reg. No. 41,553

Freedman and Associates
117 CentrepoinTE Drive, Suite 350
Nepean, Ontario
K2G 5X3 Canada

Tel (613) 274-7272
Fax (613) 274-7414

MW/sah